
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.17583 of 2015
Date of decision:11.05.2016**

Jairaj Singh Rathore

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Amit Khatkar, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Jaspreet Singh, Advocate,
for respondent No.2.

Mr. A.K.Sharma, Advocate, for
Mr. S.K.Sharma, Advocate, for respondent No.3.

Rakesh Kumar Jain, J.

The petitioner secured All India Rank of 70820 in Joint Entrance Test (Main) 2014. He took admission to the B. Tech. Programme in the Mechanical Engineering stream in the BML Munjal University (hereinafter referred to as the "University"). The University offered Merit Scholarships (Plan-1) to cover 100% tuition fee of the students ranked from 50001 to 75000 in JEE (Main). Since the petitioner had secured 70820th rank, therefore, he was within 50001 to 75000 rank and was entitled to the scholarship of waiving off, of 100% tuition fee. The petitioner received communication from the University asking him to sign the terms and conditions related to the Scholarship Policy and since the petitioner did not

sign the policy, therefore, he was informed that there is no concession on the total tuition fees from 2nd year onwards and was asked to remit the total fee. Father of the petitioner made a complaint to the University Grants Commission on 09.05.2015 which was referred by the UGC to the University at the stage of 3rd semester examination, when the petitioner was asked to deposit the tuition fee of ₹97,500/- besides ₹55,000/- towards hostel charges and cafeteria charges. The petitioner deposited ₹55,000/- towards hostel and cafeteria charges but did not deposit the tuition fee of ₹97,500/- as a result thereof, the University asked the petitioner to vacate the hostel room, submit his identity card, return his laptop and leave the campus by 22.08.2015.

The petitioner has, thus, challenged the communication dated 11.03.2015 (Annexure P-7) by which he was informed that the scholarship offered to him has been cancelled and the notice of eviction dated 19.08.2015 (Annexure P-12) has been issued, *inter alia*, on the ground that when the admission was offered to the petitioner, he was made to believe that the scholarship was to be granted only on the basis of the JEE (Main) rank which would cover his 100% tuition fee till the end of his course from 2014-2018, otherwise, the petitioner would not have taken admission in the University. He has, thus, prayed that the communication (Annexure P-7) and the eviction notice (Annexure P-12) be declared arbitrary, unreasonable and be set aside and the direction may be issued to the University to consider and continue the registration of the petitioner in the B.Tech. (Mechanical Engineering) on the same terms of the scholarship on which he was admitted after waiving off the complete tuition fee. At the time when

the notice was issued to the respondent, the petitioner was allowed to continue his course and appeared in the 3rd semester examination as well in which he secured CGPA of 5.11.

In the reply filed by the respondents, it is alleged that the University had awarded ₹88 lacs of scholarships to the students who had joined the University in 2014 and of ₹1.68 crores for the students who had joined in 2015. Additionally, the University has declared a New HeroMoto scholarship scheme specifically for those students who may not have qualified for the merit-cum-means scholarship at the time of their admission in the University. The students were also allowed to avail the scholarship by achieving stellar academic performance during the course of the program, provided they maintain a good standing in academic and residence life. It is also averred that the University has framed the criteria for continuation and retention of scholarship to retain the students within the umbrella of scholarship on the basis of their continuous performance and discipline, which is to be reviewed at the end of every academic year. The terms and conditions specified in the criteria are as under:-

- “1. Scholarships are awarded only for the period and amount/percentage mentioned in the student's admission letter and continuation of the scholarship will be reviewed on an annual basis.
2. Student academic performance (CGPA) will be reviewed at the end of the each academic year and the student has to score a minimum of 7.00 CGPA at the end of each academic year in order to retain the scholarship.
3. If the student's CGPA falls below 7.00 at the end of a given academic year, the student's scholarship will be revoked.
4. If he/she brings their CGPA to over 7.00 at the end of any semester the benefit is that the scholarship will be automatically reinstated for the subsequent semester subject

to other conditions being met. The number of chances for reinstitution of scholarship is not limited within the valid period.

5. xxx xxx xxx xxx
6. Average attendance in a given semester (across all courses) should be at least 80%. If any student's average semester attendance falls below 80%, the scholarship will be revoked. Scholarship will be reinstated at the end of any semester where the student's average semester attendance is at least 80%.
7. Scholarship students are expected to maintain the highest standards of discipline. If there are any disciplinary proceedings against him/her for any reason whatsoever, he/she will lose their scholarship and there will be no reinstatement. There is no provision for retaining/regaining the scholarship if a student is in a discipline case and this condition overrides any other condition.”

It is further alleged that the performance of the petitioner was not only bad in his academics but also in other spheres. The semester-wise performance of the petitioner, as mentioned in the reply, is as under:-

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| “. | First Semester Grade Point Average : | 3.59 |
| ii. | Second Semester Grade Point Average : | 4.77 |
| iii. | Cumulative Grade Point Average: | 4.23” |

It is further averred that the petitioner was found indulging in consumption of liquor and smoking in the boys hostel on 29.02.2015 and has also been found using unfair means in the Environmental Science Examination held on 11.06.2015 of B.Tech. 2nd semester final examinations. The Disciplinary Action Committee, after hearing the petitioner, awarded 60 penalty points along with fine of ₹6,000/- on account of use of unfair means during the examination which has been admitted by the petitioner and 25 penalty points for consuming liquor and smoking in the campus after 11.00 p.m. It is also submitted that there was no such contract/agreement with the

petitioner that once he has been given admission on the basis of his JEE (Main) Rank and offered scholarship, the criteria to continue with the scholarship cannot be laid down.

In the replication, the petitioner has alleged that he had secured 4.41 SGPA in 1st semester instead of 3.59, 5.62 SGPA in 2nd semester instead of 4.77 and 5.06 CGPA in the 1st year instead of 4.23. He has also admitted that in the 3rd semester, because of the order passed by this Court to continue with the course, secured 5.11 CGPA.

I have heard learned counsel for the parties and examined the available record with their able assistance.

This is a case where the petitioner has approached this Court to challenge the communications of the University, cancelling the scholarship offered to him at the time of his admission and asking him to vacate the campus for not paying the tuition fee after cancellation of the scholarship. The whole case of the petitioner is based upon the offer of scholarship which is called as Merit Scholarships (Plan-1) and that there was no condition for laying down the criteria for continuation and retention of scholarship, whereas the case of the respondents is that though the scholarship was offered at the time of admission but in order to maintain the academic standards of the scholarship holder and proper discipline, the criteria was laid down for continuation and retention of the scholarships, based upon the yearly review.

I have not found any fault on the part of the University in laying down the criteria for continuation and retention of scholarship because the basic idea was to provide the scholarship to meritorious students who were supposed to maintain their academic standards

continuously till the end of their course keeping in mind that in case they would deviate from their academic standards, the scholarship provided towards exemption of tuition fee can always be withdrawn. The experiment made by the University in this regard has been proved to be correct in the case of the petitioner who though was meritorious student when he secured the All India Rank in JEE (Main) but, thereafter, he indulged in bad habits inasmuch, started drinking and smoking in the campus and has also been caught indulging in unfair means at the time of taking 2nd semester examination of Environmental Science. Had this criteria not been laid down by the University, the student like the petitioner would have not cared for maintaining their academic standards throughout their course and had become a burden upon the University in the name of the alleged scholarship cover of 100% tuition fee, which was offered at the time of admission.

Hence, keeping in view the aforesaid facts and circumstances, I do not find any reason to interfere in the communications/orders passed by the University and consequently, the present petition is hereby dismissed, though without any order as to costs.

May 11, 2016
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(Rakesh Kumar Jain)
Judge